

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

EDUARDO ALFREDO SOTO-GARCIA,

Defendant.

CRIMINAL CASE NO.

1:12-cr-378-JEC-ECS

ORDER

On September 5, 2013, the magistrate judge issued a Report and Recommendation recommending that the defendant's motion to suppress be granted in part and denied in part. Objections were due by September 22; none were filed. The Court therefore the Court **ADOPTS** the Magistrate Judge's Final Report and Recommendation [38] **DENYING in part** and **GRANTING in part** defendant's Motion to Suppress Statements [13]. Specifically, the motion to suppress statements made after Miranda are denied, and statements made in response to questioning by law enforcement after defendant was arrested in the shower stall, but before he was advised of his rights, is granted. Defendant's Motion to Suppress Evidence [14] is **DENIED**.

Prior to ruling on the above motions, the Court issued an Order allowing the defendant until October 11, 2013 to advise whether this case would be disposed of by a plea or by trial [41]. Counsel for

defendant were unable to provide an answer by that date and requested additional time to confer with the Government due to new counsel appearing on behalf of the Government on October 11, 2013.

The Court directs defense counsel to advise the Court by **December 20, 2013** whether the case will be disposed of by a plea or by trial. Excludable time is allowed to continue from **October 11, 2013 through December 20, 2013**, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv)(to give counsel for the defendant or attorney for the Government reasonable time necessary for effective preparation). The Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendant in a speedy trial.

SO ORDERED this 26th day of November, 2013.

/s/ Julie E. Carnes  
JULIE E. CARNES  
CHIEF U.S. DISTRICT JUDGE